

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

: SUPERSEDING INDICTMENT

- v. -

: S3 17 Cr. 548 (PAC)

JOSHUA ADAM SCHULTE,

Defendant.

- - - - - X

COUNT ONE

(Illegal Gathering of National Defense Information)

The Grand Jury charges:

1. On or about April 20, 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, for the purpose of obtaining information respecting the national defense with intent and reason to believe that the information was to be used to the injury of the United States, or to the advantage of any foreign nation, copied, took, made, and obtained, a sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note connected with the national defense, to wit, on or about April 20, 2016, SCHULTE copied without authorization backup files of certain electronic databases (the "Backup Files") housed on a classified computer system ("DEVLAN") maintained by the Central Intelligence Agency (the "CIA"), that contained classified information pertaining to,

among other things, the cyber-intelligence gathering capabilities of the CIA.

(Title 18, United States Code, Sections 793(b) and 2.)

COUNT TWO
(Illegal Transmission of Unlawfully Possessed National Defense Information)

The Grand Jury further charges:

2. Between in or about April and May 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, having unauthorized possession of, access to, and control over documents, writings, plans, instruments, and notes relating to the national defense, willfully retained those records and failed to deliver them to the officer or employee of the United States entitled to receive them, and willfully communicated, delivered, and transmitted, and caused to be communicated, delivered, and transmitted the same to a person not entitled to receive them, to wit, SCHULTE retained copies of the Backup Files, to which he did not have authorized possession of, access to, or control over, and caused the Backup Files to be communicated, delivered, and transmitted to WikiLeaks.org ("WikiLeaks"), which the United States did not authorize to possess the Backup Files.

(Title 18, United States Code, Sections 793(e) and 2.)

COUNT THREE

(Illegal Transmission of Unlawfully Possessed National Defense Information)

The Grand Jury further charges:

3. In or about September 2018, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, having unauthorized possession of documents, writings, and notes relating to the national defense, willfully communicated, delivered, and transmitted, and caused to be communicated, delivered, and transmitted the same to a person not entitled to receive them, to wit, SCHULTE, having unauthorized possession of classified documents, writings, and notes relating to the national defense pertaining to internal computer networks of the CIA, including DEVLAN, transmitted the documents, writings, and notes to a third party that the United States had not authorized to receive that information.

(Title 18, United States Code, Sections 793(e) and 2.)

COUNT FOUR

(Attempted Illegal Transmission of Unlawfully Possessed National Defense Information)

The Grand Jury further charges:

4. From at least in or about July 2018, up to and including at least in or about October 2018, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, having unauthorized possession of, access to, and control over documents, writings, and notes relating to the national defense, willfully

attempted to communicate, deliver, and transmit the same to a person not entitled to receive them, to wit, SCHULTE, having unauthorized possession of documents, writings, and notes regarding tradecraft techniques, operations, and particular intelligence-gathering tools used by the CIA, attempted to transmit the documents, writings, and notes to third parties whom the United States had not authorized to receive such information.

(Title 18, United States Code, Sections 793(e) and 2.)

COUNT FIVE
(Unauthorized Access to a Computer To
Obtain Classified Information)

The Grand Jury further charges:

5. Between on or about April 18, 2016, and on or about April 20, 2016, JOSHUA ADAM SCHULTE, the defendant, in the Eastern District of Virginia and elsewhere, knowingly accessed a computer without authorization and exceeded authorized access and thereby obtained information that has been determined by the United States Government pursuant to an Executive order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, or any restricted data, as defined in paragraph y of section 11 of the Atomic Energy Act of 1954, with reason to believe that such information so obtained could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicated, delivered, transmitted, and caused to be communicated, delivered, or transmitted, and

attempted to communicate, deliver, transmit and caused to be communicated, delivered, or transmitted the same to any person not entitled to receive it, and willfully retained the same and failed to deliver it to the officer or employee of the United States entitled to receive it, to wit, on or about April 20, 2016, SCHULTE exceeded his authorized access on a computer to obtain the Backup Files and subsequently caused the Backup Files to be transmitted to WikiLeaks, which the United States had not authorized to receive the Backup Files.

(Title 18, United States Code, Sections 1030(a)(1) and 2.)

COUNT SIX

(Unauthorized Access of a Computer to Obtain Information from a Department or Agency of the United States)

The Grand Jury further charges:

6. On or about April 20, 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, intentionally accessed a computer without authorization and exceeded authorized access and thereby obtained information from a department or agency of the United States, to wit, SCHULTE accessed a computer without authorization and in excess of his authorization, and copied the Backup Files belonging to the CIA.

(Title 18, United States Code, Sections 1030(a)(2)(B) and 2.)

COUNT SEVEN

(Causing Transmission of a Harmful Computer Program,
Information, Code, or Command)

The Grand Jury further charges:

7. On or about April 20, 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, knowingly caused the transmission of a program, information, code, or command, and as a result of such conduct, intentionally caused damage without authorization to a protected computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security, to wit, SCHULTE transmitted commands on DEVLAN to manipulate the state of the Confluence virtual server on DEVLAN, including by reverting the virtual server to a specific "snapshot," or version, of the system as it appeared on or about April 16, 2016, restoring the system to a "snapshot" SCHULTE created on or about April 20, 2016, deleting that "snapshot," and thus erasing the records of his activities on the system, thereby causing an impairment to the integrity and availability of data and information on DEVLAN.

(Title 18, United States Code, Sections 1030(a)(5)(A) and 2.)

COUNT EIGHT

(Causing Transmission of a Harmful Computer Program,
Information, Code, or Command - Deleting Log Files)

The Grand Jury further charges:

8. On or about April 20, 2016, in the Eastern District of Virginia and elsewhere, JOSHUA ADAM SCHULTE, the defendant, knowingly caused the transmission of a program, information, code, or command, and as a result of such conduct, intentionally caused damage without authorization to a protected computer used by or for an entity of the United States Government in furtherance of the administration of justice, national defense, or national security, to wit, SCHULTE transmitted commands on DEVLAN to delete log files of activity on DEVLAN, thereby causing an impairment to the integrity and availability of data and information.

(Title 18, United States Code, Sections 1030(a)(5)(A) and 2.)

COUNT NINE

(Obstruction of Justice)

The Grand Jury further charges:

9. From at least in or about March 2017, up to and including at least in or about June 2017, in the Southern District of New York and elsewhere, JOSHUA ADAM SCHULTE, the defendant, did corruptly obstruct, influence, and impede, and endeavored to obstruct, influence, and impede the due administration of justice in a federal grand jury in the Southern District of New York by

making material false statements to special agents of the Federal Bureau of Investigation, to wit, SCHULTE:

- a. denied having any involvement in unlawfully, disclosing the Backup Files,
- b. stated that he had not kept a copy of an email he sent to the Office of Inspector General containing false allegations of security issues at the CIA,
- c. denied having any classified materials in his apartment,
- d. denied ever taking information from the CIA and transferring it to an unclassified network,
- e. denied ever making DEVLAN vulnerable to the theft of data,
- f. denied housing information from the CIA on his home computer, and
- g. denied ever removing any classified information from the CIA and taking it home.

(Title 18, United States Code, Section 1503.)

FORFEITURE ALLEGATIONS

10. As a result of committing the offenses alleged in Counts One, Two, Three, and Four of this Indictment, JOSHUA ADAM SCHULTE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 793(h), any property constituting, or derived from, any proceeds the person obtained,

directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, as the result of the commission of the offenses charged in Counts One, Two, Three, and Four of this Indictment.

11. As a result of committing the offenses alleged in Counts Five, Six, Seven, and Eight of this Indictment, JOSHUA ADAM SCHULTE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 1030(i), any interest in any personal property that was used or intended to be used to commit or to facilitate the commission of the conduct alleged in Counts Five, Six, Seven, and Eight of this Indictment; and any property, real or personal, constituting or derived from, any proceeds that SCHULTE obtained, directly or indirectly, as a result of the commission of the offenses charged in Counts Five, Six, Seven, and Eight of this Indictment.

(Title 18, United States Code, Sections 793(h) and 1030(i)).

Substitute Asset Provision

12. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

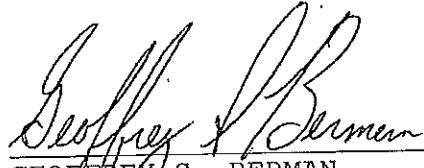
e. has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 21, United States Code, Section 853(p).)



FOREPERSON



GEOFFREY S. BERMAN
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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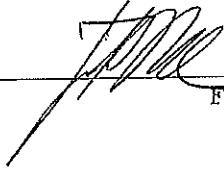
SUPERSEDING INDICTMENT

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(18 U.S.C. §§ 793, 1030, 1503.)

GEOFFREY S. BERMAN

United States Attorney


Foreperson
